

ENCLOSURE 28 NOV 2005
① of 6 pages

Dealink

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2123 12th Ave. San Francisco, CA 94116
email: dlk848@yahoo.com

USPTO
Mail Box Stop PCT Box 1450,
Alexandria, VA 22313-1450
Attn: Helen Kwok / PCT Legal Administration Detailee
Richard Cole / PCT Legal Examiner, Office of PCT Legal Admin.
Tel: 571-272 6095; Fax: 571-273-0459

Re: PCT Application No.: PCT/US03/11320; US Appl. No.: 10/519,393

Dear Officer Helen Kwok and Officer Richard Cole:

Thank you for your Decision paper sent to me on Sept. 22, 2005, regarding my petition under 37 CFR1.137(a), which I received today, Nov. 22, 2005, the last day of your response deadline due to my traveling overseas.

Also thank you to clarify all the problems of my petition and direct me the right way to further reply to obtain relief from the DISMISS. I here accordingly to write the reply with evidences to show the unavoidable causes and to pay the required fees.

The problem (1) and (2) are the money issue, which I calculate total owed fee are: basic national fee \$50.00 plus petition fee \$185.00 equals to: \$235.00. Since I am right now still traveling overseas, I shall direct my representative in the US to pay you directly by check or money order via mail right away.

The problem (3) the unavoidable cause for the delay. Here are my further explanation with evidence: I have signed service contract with the law office of Blakely, Sokoloff, Taylor & Zafman LLP (www.bstz.com) before my filing the PCT application on April 14, 2003, the law office on my behalf handle all my patent matters with your office, all correspondence with your office are going through their office address to me; and they are responsible to communicate all the important matters, deadlines timely with me, or get my OK before taking action. I have told you that I have phone number and two email accounts open for the communication. The two patent attorney Mr. Mark McCabe and Mr. Tarek Fahmi are registered patent attorney and they should know all the responsibilities to properly handle the client. But they failed to do so. First, I was notified the Pre-examination Report (the Law Office received on Sept. 9, 2004, see Evidence 1) and the published PCT application (the law office was received on Nov. 10, 2003, see evidence 2) on Nov. 29, 2004 (see evidence 3, the copy of email communication I received on Dec. 3, 2004 and some previous ones). Second, from the email you can read that Mr. Fahmi mentioned Dec. 15 is the deadline, which in fact Oct. 16 is really the true deadline and later on after I calculated by myself, I purposely pointed out this error to Mr. Fahmi during a meeting, he immediately apologized to me for his wrong calculation and mentioned that we still have 2 month time to file the petition. I was very sad after that meeting and he also mentioned more money need to pay to his office in order to do the petition. After some time thinking I felt that

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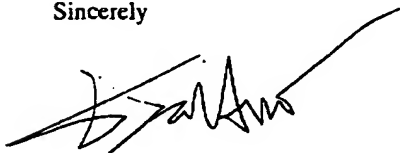
28 NOV 2005
Legal Staff
International Division

(2)

they were somehow purposely neglect their duties to the client and in fact they were breaking the contract already (for more than one year after they received the PCT publication, they did not let me know until I asked for it, see evidence 3 also) and I was the one hurt with the delay, delay for business and delay for the national stage filing, which is definitely not under my control if they break the contract purposely to a person who do not know about PCT procedures, (that is why I pay the lawyer for ensuring everything doing right for me and entrust them faithfully by a lawful contract). Had they noticed me earlier on of the international Pre-Examination Report, the first Transmittal page (evidence 2) Reminder Section would have remind me all the important deadlines, and I would definitely not delay one day at all to file the national stage. These are the unavoidable causes that cause the delay and also cause my decision to go by myself with your office directly.

Hopefully, this reply papers will meet your requirements for the petition 37 CFR1.137(a). And I kindly request your further grant my petition and have my application move forward to the final examination till the patent grant decision stage.

Sincerely



Shuya Huo
DeaLink
Nov. 22, 2005

Attached:

Evidence 1: Pre-examination Report transmittal page with the Law Office stamp showing received on Sept. 9, 2004, Page ③

Evidence 2: The published PCT application transmittal page with the law office stamp showing received on Nov. 10, 2003, Page ④

Evidence 3: The copy of email communication from Mr. Tarek Fahmi to me on Nov. 29, 2004, and previous some previous ones. Page ⑤ to ⑥

PATENT COOPERATION TREATY

(3)

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITYTo:
TAREK N. FAHMI
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025

NO DOCKETING REQUIRED PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year)

07 SEP 2004

Applicant's or agent's file reference

LOS ANGELES

IMPORTANT NOTIFICATION

6602.P001PCT

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US03/11320

14 April 2003 (14.04.2003)

16 April 2002 (16.04.2002)

Applicant

HUO, SHUYA

PROCESSED BY
DOMESTIC
ADMINISTRATOR

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Entered in FIP on: 9/9By: NAH

Docketing Department

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

AN MENG-AL

Telephone No. (703) 305-3665

Form PCT/IPEA/416 (July 1992)

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PATENT COOPERATION TREATY

NOV 10 2003 From the INTERNATIONAL BUREAU

PCT

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
LOS ANGELESNOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

ENTERED

NOV 13 2003

STATUS DB-LA

To:

ZAFMAN LLP

MCCABE, Mark C.

Blakely, Sokoloff, Taylor & Zafman LLP

12400 Wilshire Boulevard

Los Angeles, CA 90025

ATS-UNIS D'AMERIQUE

NO DOCKETING REQUIRED

AD

Date of mailing (day/month/year)
23 October 2003 (23.10.03)Applicant's or agent's file reference
6602.P001PCT

IMPORTANT NOTICE

International application No.
PCT/US03/11320International filing date (day/month/year)
14 April 2003 (14.04.03)Priority date (day/month/year)
16 April 2002 (16.04.02)

Applicant

HUO, Shuya

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this notice:

US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

EP

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this notice is a copy of the international application as published by the International Bureau on 30 October 2003 (30.10.03) under No. 03/090464

4. **TIME LIMITS for filing a demand for international preliminary examination and for entry into the national phase**

The applicable time limit for entering the national phase will, subject to what is said in the following paragraph, be 30 MONTHS from the priority date, not only in respect of any elected Office if a demand for international preliminary examination is filed before the expiration of 19 months from the priority date, but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see *PCT Gazette* No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the *PCT Newsletter*, October and November 2001 and February 2002 issues.

In practice, time limits other than the 30-month time limit will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For regular updates on the applicable time limits (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pc/en/index.html>.

For filing a demand for international preliminary examination, see the *PCT Applicant's Guide*, Volume I/A, Chapter IX. Only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

It is the applicant's sole responsibility to monitor all these time limits.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Judith Zahra

Facsimile No. (41-22) 740.14.35

Telephone No. (41-22) 338.91.11

Form PCT/IB/308 (April 2002)

ENTERED
13/10/03

Mar 16 05 11:17p

p. 5

YAHOO! MAIL

From: Tarek_Fahmi@bstz.com

Print - Close Window

5

Subject: Re: Thanks

To: "Shuya Huo" <dlk848@yahoo.com>

Date: Fri, 3 Dec 2004 10:02:54 -0800

Shuya:

A copy of the official publication is attached.

Dec 15 is the filing deadline (extensions would be possible in the US and

EP, but would be expensive), but I thought you had previously filed an application in China. we claimed priority from your earlier Chinese application for the PCT.

(See attached file: 6602P001PCT_publication.pdf)

Regards,

Tarek N. Fahmi

Blakely, Sokoloff, Taylor & Zafman LLP

60 South Market Street, Suite 510

San Jose, California 95113-2392

Tel: 408.947.8200

Fax: 408.947.8280

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by telephone immediately.

	Shuya Huo <dlk848@yahoo.com>
	12/03/04 09:52 AM

To: Tarek Fahmi@bstz.com

cc:

Subject: Re: Thanks

Dear Tarek:

Please let me know when is the last day that I have to make decision so

you
have enough time to prepare for the national stage filing if I choose
US,

EP, China, Australia and Japan.

Also some question, where can I get the official published document of
my
PCT application? (Such as some website)

Sincerely

Shuya Huo

Tarek_Fahmi@bstz.com wrote:

Shuya:

we should file the national stage applications as quickly as possible,
and

at least by Dec 15.

The cost for a European filing will be about 8 - 9K

The cost for a US filing will be about 2.5K

because these are out-of-pocket costs for us (filing fees, foreign
associate fees, etc.) if you want to make these filings we'll need to
have

at least 50% in advance.

Let me know how you would like to proceed.

Regards,

Tarek N. Fahmi

Blakely, Sokoloff, Taylor & Zafman LLP

60 South Market Street, Suite 510

San Jose, California 95113-2392

Tel: 408.947.8200

Fax: 408.947.8280

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|----->
	Shuya Huo	
		>
	11/30/04 08:53 PM	
----->		

>-----
| |
| To: tarek_fahmi@bstz.com |
| cc: |
| Subject: Thanks |